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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,284	07/17/2003	David Chao	62188.TBA	2486

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NEW YORK, NY 10022

EXAMINER
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MAI, HUY KIM

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/621,284

Applicant(s)

CHAO, DAVID

Examiner

Huy K. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jul. 17, 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/19/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Information Disclosure Statement***

1. The Information Disclosure Statement filed on April 19, 2004 is acknowledged.

***Oath/Declaration***

2. The declaration filed on Nov. 20, 2003 is acceptable.

***Drawings***

3. The drawings are objected to because the rectangles enclose the figures in each page should be removed. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 14 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wong (6,196,679).

The limitations in claim 14 are shown in Wong's Figs. 1-8, column 4. Wong discloses an eyeglass assembly, comprising: a pair of first eyeglasses 7 having a first frame, a pair of first lenses held by the first frame and a first bridge interconnecting the pair of first lenses and forming the first frame into one piece; a pair of second eyeglasses 1 having a second frame, a pair of second lenses held by the second frame and a second bridge interconnecting the pair of second lenses and forming the second frame into one piece, the second frame having a pair of temples, each of the temples defining therein a hole 19; and two retainers 13,14, each of which retainers is formed on opposite sides of the first frame to correspond respectively to a portion of each of the temples; wherein each of the retainers 13,14 is a block 21 defining therein a neck to correspond to the hole 19 of each of the temples, such that the first frame is able to connect to the second frame.

6. Claim 13 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Huang (6,113,234).

The limitations in claim 13 are shown in Huang's Figs. 1-2, column 2, lines 15-53. Huang discloses an eyeglass assembly, comprising: a pair of first eyeglasses 20 having a first frame, a pair of first lenses held by the first frame and a first bridge interconnecting the pair of first lenses

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and forming the first frame into one piece; a pair of second eyeglasses having a second frame, a pair of second lenses held by the second frame and a second bridge interconnecting the pair of second lenses and forming the second frame into one piece, the second frame having a pair of temples; and two retainers 34, each of which retainers 34 is formed on opposite sides of the first frame to correspond respectively to a portion 14 of the temples; wherein each of the retainers is a hook, such that a space is defined in each hook to receive therein the respective portion 14 of each of the temples.

7. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Chao (5,833,689).

The limitations in claim 11 are read on Chao's Figs 1-3, column 1, line 66 through column 2, lines 34. Chao discloses an eyeglass assembly, comprising: a pair of first eyeglasses 20 having a first frame, a pair of first lenses held by the first frame and a first bridge interconnecting the pair of first lenses and forming the first frame into one piece; a pair of second eyeglasses 10 having a second frame, a pair of second lenses held by the second frame and a second bridge interconnecting the pair of second lenses and forming the second frame into one piece, the second frame having a pair of temples 11 each formed on opposite sides of the second frame and being provided with at least one recess 12 defined in each one of the temples of the second frame; and two retainers 22 respectively formed on opposite sides of the first frame to correspond to the recesses 12 of the second frame, each retainer 22 comprising an upper clamping plate 28, a lower clamping plate 28 and a space 23 defined between the upper clamping plate and the lower clamping plate, wherein each retainer 22 has at least one restricting boss 27 defined in the retainer to correspond to the at least one recess 12 of each temple of the second frame so that combination of each respective recess 12 and each respective restricting boss 27 by

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inserting a portion of the temples into the retainer is able to combine the first pair of eyeglasses and the second pair of eyeglasses.

*Allowable Subject Matter*

8. Claims 1-10 are allowed.
9. Claim 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.



Huy Mai  
Primary Examiner  
Art Unit 2873

HKM/  
June 15, 2004